

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

704I0616

SENATE STATE AFFAIRS COMMITTEE ENGROSSED

NO. **HB 1229** - 02/22/2003

Introduced by: Representatives Smidt, Adelstein, Bartling, Burg, Cradduck, Gillespie, Heineman, Konold, Michels, Pederson (Gordon), Peterson (Bill), Sebert, Solum, and Wick and Senators Jaspers, Abdallah, Brown, Dempster, Dennert, Diedrich (Larry), Duenwald, Duniphan, Ham, Kleven, Knudson, and Vitter

1 FOR AN ACT ENTITLED, An Act to authorize a South Dakota Statuary Commission.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. There is hereby created the South Dakota Statuary Commission. The South
4 Dakota Statuary Commission is a nonprofit corporation, independent and separate from the State
5 of South Dakota and subject to the laws governing nonprofit corporations. The purpose of the
6 commission is to promote the culture and heritage of South Dakota's past, present, and future
7 through the creation, design, construction, placement, and display of statues that realistically
8 depict and represent South Dakota and its people, heritage, history, and culture and to raise
9 money or other consideration to achieve that goal. The board may accept any grants, gifts, or
10 contributions as allowed by South Dakota's nonprofit corporation law but may not accept any
11 state general fund appropriation.

12 Section 2. The secretary of the Department of Tourism and State Development, President
13 Pro Tempore of the Senate, and the Speaker of the House of Representatives shall meet within
14 ninety days of the effective date of this Act to incorporate the commission, to create the initial



1 bylaws of the commission, and to choose the members of the first board of directors.

2 Section 3. There shall be a nine member board of directors for the commission. The terms
3 of the first board of directors shall be:

- 4 (1) Three selected for one year terms to expire September 30, 2004;
- 5 (2) Three selected for two year terms to expire September 30, 2005; and
- 6 (3) Three selected for three year terms to expire September 30, 2006.

7 All subsequent terms shall be for three years ending on September thirtieth. Members of the
8 initial board of directors are eligible for reappointment. No board member may serve more than
9 two consecutive three-year terms on the board. Persons appointed to the board to fulfill the
10 unexpired portion of a term shall serve for the unexpired portion of that term and may be
11 reappointed for up to two full three-year terms. Partial terms do not count towards the two term
12 limit.

13 Section 4. The board members shall receive per diem and expenses while actually engaged
14 in duties related to the commission. The board may either hire office personnel or may enter into
15 contractual agreements to carry out its duties.

16 Section 5. No person may reproduce, duplicate, or otherwise use a facsimile of any statue
17 constructed, produce, or created by or for the commission, for any for-profit, commercial
18 purpose without specific written authorization from the board. A violation of this section is a
19 Class 1 misdemeanor.

20 Section 6. The board may enter into contracts for the marketing and sale of items or objects
21 authorized under this Act. The board may charge a fee for any authorization granted under the
22 terms of this Act.

23 Section 7. The board shall work and cooperate with the Bureau of Administration and other
24 agencies of the State of South Dakota, the federal government, and local government entities for

1 construction and placement of statues in areas that will enhance the enjoyment and understanding
2 of each individual statue. Statues should be placed in a highly visible manner so as to enhance
3 access and visibility of the statue to the public. Statues should be placed to allow for the
4 placement or addition of interpretive and explanatory material and exhibits in the immediate
5 vicinity of the statue.